

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEVIN POWELL	:	CIVIL ACTION NO. 1:12-CV-1684
	:	
Plaintiff	:	(Chief Judge Kane)
	:	(Magistrate Judge Carlson)
v.	:	
JOE FISHER, et al.	:	
	:	
Defendants	:	

**ORDER**

Before the court in the captioned action is a September 6, 2012 report of the magistrate judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) The Plaintiff's motion for leave to proceed *in forma pauperis* is **GRANTED**.
- 3) The Plaintiff's complaint is **DISMISSED** as to defendants Joe Fisher, Superintendent, SCI Smithfield; Deputy Superintendents Hannah and Whitesel; Lieutenants Shoop, S. Whitesel and Crouch; Captain Myers; Major T. Robinson; Lisa G. Hollibaugh, Grievance Coordinator; Cindy G. Watson, Chief Grievance Officer at Central Office; Dorina Varner, Chief Grievance Officer at Central Office Shirley R. Moore-Smeal, acting Secretary of Corrections; and John E. Wetzel, Secretary, without prejudice to any final effort by the plaintiff to timely allege facts in an amended complaint which might state a claim upon which relief may be granted, provided that the plaintiff

acts within 20 days of this dismissal order.

4) If Plaintiff does not file an amended complaint within 20 days of the date of this order, the Clerk of Court is directed to close the case.

5) If Plaintiff files an amended complaint within 20 days of the date of this order, all further proceedings in this matter are referred to Magistrate Judge Carlson.

s/ Yvette Kane

YVETTE KANE, Chief Judge  
United States District Court

Dated: October 1, 2012